

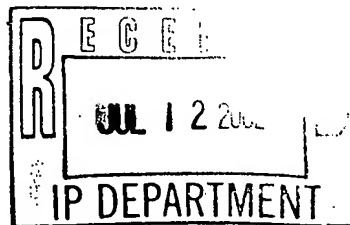


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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
RITTER et al.

Application No.: 10/069,879

PCT No.: PCT/EP00/00536

Int. Filing Date: 25 January 2000

Priority Date: 25 January 1999

Attorney Docket No.: ICC-192/PCT/US

For: PROCESS FOR ATTACHING THE OIL SUMP
TO AN ENGINE BLOCK OF AN INTERNAL
COMBUSTION VEHICLE

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This decision is in response to the "PETITION FOR REVIVAL OF APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" submitted by applicants on 01 March 2002.

BACKGROUND

On 25 January 2000, applicants filed international application PCT/EP00/00536, which claimed a priority date of 25 January 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 August 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2001.

On 01 March 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. Basic National Fee to Deposit Account No. 12-2135, an English translation of the international application, and a declaration of the inventors.

On 21 March 2002, applicants also filed the instant "PETITION FOR REVIVAL OF APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the authorization to charge the U.S. Basic National Fee was not effective as payment because Deposit Account No. 12-2135 had insufficient funds to cover this fee at the time the payment was attempted to be processed (07 March 2002). 37 CFR 1.25(a) states that an amount sufficient to cover all fees requested must always be on deposit and that charges to accounts with insufficient funds will not be accepted. Thus, item (1) has not been met.

As to item (2), it has not been met either since the authorization to charge the petition fee to Deposit Account No. 12-2135 was not effective.

With regard to item (3), a grantable petition has not yet been filed.

The declaration filed 01 March 2002 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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